



CITY COUNCIL Agenda

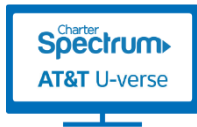
Sept. 28, 2021, 3 p.m.

Virtual Meeting
Council Chamber
1200 Carlsbad Village Drive
Carlsbad, CA 92008

Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

How to watch



City cable channel

Charter Spectrum channel 24
AT&T U-verse channel 99.



City website

carlsbadca.gov/news/citytv.asp

Virtual meeting format

- Per California Executive Order N-29-20, and in the interest of public health and safety, we are temporarily taking actions to prevent and mitigate the effects of the COVID-19 pandemic by holding City Council and other public meetings online only.
- All public meetings will comply with public noticing requirements in the Brown Act and will be made accessible electronically to all members of the public seeking to observe and address the City Council.

How to participate

- **Join from a PC, Mac, iPad, iPhone or Android device:** <https://carlsbadca.zoom.us/j/91782013945>
 - Join using "Computer Audio"
 - **Raise your hand** when the Clerk calls for speakers for the item you wish to comment on.
 - **Unmute** yourself when called on by the Clerk.
- **By phone:** Call: (213) 338 – 8477 and enter Meeting ID: 917 8201 3945. Press # for Participant ID.
 - **Press *9** when the Clerk calls for speakers for the item you wish to comment on.
 - The Clerk will then call on the last four numbers of your telephone number.
 - **Press *6** to unmute yourself to speak.
- **In writing:** Email comments to clerk@carlsbadca.gov. Comments received by 2 p.m. the day of the meeting will be shared with the City Council prior to the meeting. When e-mailing comments, please identify in the subject line the agenda item to which your comments relate. All comments received will be included as part of the official record. **Written comments will not be read out loud.**
- These procedures shall remain in place during the period in which state or local health officials have imposed or recommended social distancing measures.

Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or manager@carlsbadca.gov by noon on the Monday before the meeting to decide.

IN THE EVENT A QUORUM OF THE CITY COUNCIL LOSES ELECTRICAL POWER OR SUFFERS AN INTERNET CONNECTION OUTAGE THAT IS NOT CORRECTED WITHIN 15 MINUTES, THE MEETING WILL AUTOMATICALLY BE ADJOURNED. ANY ITEMS NOTICED AS PUBLIC HEARINGS WILL BE CONTINUED TO THE NEXT REGULARLY SCHEDULED MEETING OF THE CITY COUNCIL. ANY OTHER AGENDA ITEMS THE COUNCIL HAS NOT TAKEN ACTION ON WILL BE PLACED ON A FUTURE AGENDA.

The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).

More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20. PLEASE NOTE: AS A RESULT OF THE WAIVERS IN EXECUTIVE ORDER N-29-20, THE BROWN ACT PERMITS FULL PARTICIPATION BY OFFICIALS IN MEETINGS THROUGH VIDEO OR AUDIO TELECONFERENCE.

CALL TO ORDER:

ROLL CALL:

ANNOUNCEMENT OF CONCURRENT MEETINGS: The City Council is serving as the City of Carlsbad City Council and the Carlsbad Municipal Water District Board of Directors on Consent Item No. 2 and Department and City Manager Report Item No. 13. The City Council is also serving as the City of Carlsbad City Council and the Carlsbad Public Financing Authority on Department and City Manager Report Item No. 11.

INVOCATION:

PLEDGE OF ALLEGIANCE:

APPROVAL OF MINUTES: None.

PRESENTATIONS:

Proclamation in Recognition of Public Safety Month
Proclamation in Recognition of National Manufacturing Day

PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:

PUBLIC COMMENT: *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

CONSENT CALENDAR: *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

WAIVER OF ORDINANCE TEXT READING:

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **LICENSE AGREEMENT WITH NORTH COUNTY TRANSIT DISTRICT FOR A CITY STORM DRAIN ENCROACHMENT** – Adoption of a resolution authorizing execution of a license agreement with North County Transit District for encroachment of a city storm drain system within North County Transit District property. (Staff contact: Daniel Zimny, Public Works)

2. UTILITY BILLING WATER SERVICE SHUTOFF AND LATE FEE UPDATE – Adoption of a Carlsbad Municipal Water District resolution approving an implementation plan to reestablish late fees and shutoffs for customers that are over 60 days late on their utility bill payments. (Staff contact: Vicki Quiram, Public Works and Ryan Green, Administrative Services Department)
3. CONTRACT WITH SAN DIEGO HUMANE SOCIETY TO SHELTER PETS BELONGING TO PEOPLE EXPERIENCING HOMELESSNESS AND APPROPRIATION OF FUNDING – Adoption of a resolution authorizing the City Manager to execute a professional services agreement with the San Diego Humane Society to shelter animals of persons experiencing homelessness and appropriating \$29,825 from the City Council Contingency to the Housing and Homeless Service Department’s FY 2021-22 Operating Budget. (Staff Contact: Jessica Klein and Holly Nelson, Housing & Homeless Services)
4. AGREEMENT AMENDMENT WITH PROS CONSULTING FOR PARKS & RECREATION DEPARTMENT MASTER AND STRATEGIC PLANNING SERVICES – Adoption of a resolution amending a professional services agreement with PROS Consulting for Parks & Recreation Department Master and Strategic Planning Services, in an amount not to exceed \$167,460 and extending the term of the agreement by one year. (Staff Contact: Mick Calarco, Parks & Recreation)
5. AFFORDABLE HOUSING AGREEMENT TO SATISFY THE AFFORDABLE HOUSING REQUIREMENT FOR THE AVIARA APARTMENTS (DEV 2017-0033) – Adoption of a resolution approving an affordable housing agreement for the construction of 81 affordable units to satisfy the affordable housing requirements for the Aviara Apartments Project (DEV 2017-0033). (Staff Contact: Mandy Mills, Housing & Homeless Services)

ORDINANCES FOR INTRODUCTION:

6. ORDINANCE TO AMEND CARLSBAD MUNICIPAL CODE SECTION 2.44.030 – CITY SERVICE AND APPROVE EMPLOYMENT-RELATED DOCUMENTS FOR FULL-TIME EMERGENCY MEDICAL TECHNICIAN POSITION – 1) Adoption of a resolution approving the full-time emergency medical technician employment, compensation and benefits plan and its associated non-management unclassified salary range schedule and class specification; and
2) Introduction of an ordinance amending Carlsbad Municipal Code Section 2.44.030 – City Service. (Staff contact: Debbie Porter and Judy von Kalinowski, Administrative Services Department)

City Manager’s Recommendation: Adopt the resolution and introduce the ordinance.

ORDINANCES FOR ADOPTION:

7. ADOPTION OF ORDINANCE NO. CS-403 – REPEAL CARLSBAD MUNICIPAL CODE CHAPTER 2.20 AND AMEND SECTION 2.12.025 – Adoption of Ordinance No. CS-403 repealing Chapter 2.20 and amending Section 2.12.025 of the Carlsbad Municipal Code. (Staff contact: Faviola Medina, City Clerk Department)

City Manager’s Recommendation: Adopt the ordinance.

PUBLIC HEARINGS: None.

DEPARTMENTAL AND CITY MANAGER REPORTS:

8. OPTIONS FOR THE CARLSBAD HOTEL/MOTEL VOUCHER PILOT PROGRAM – Receive a report, consider the presented options to the proposed 12-month Carlsbad hotel/motel voucher pilot program and provide direction to staff as appropriate. (Staff contact: Mandy Mills and Holly Nelson, Housing & Homeless Services)

City Manager's Recommendation: Receive the report, consider options and provide direction to staff as appropriate.

9. ORDINANCE AMENDING TITLE 8 OF THE CARLSBAD MUNICIPAL CODE TO ADDRESS QUALITY OF LIFE CONCERNS RELATED TO HOMELESSNESS AND PUBLIC SPACES – Introduction of ordinance amending Title 8 of the Carlsbad Municipal Code by amending Chapter 8.36 and Sections 8.28.050 and 8.44.040 and by adding Chapters 8.34 and 8.38 to address quality of life concerns. (Staff contact: Marissa Kaweck, City Attorney Department and Matt Magro, Police Department)

City Manager's Recommendation: Introduce the ordinance.

10. GROWTH MANAGEMENT PLAN UPDATE ADVISORY COMMITTEE CHARTER – Adoption of a resolution approving the charter for the Growth Management Plan Update Advisory Committee. (Staff contact: Jennifer Jesser, Community Development)

City Manager's Recommendation: Adopt the resolution.

11. EVALUATION OF THE ACCOUNTING TREATMENT OF THE GENERAL FUND'S ADVANCE TO THE GOLF COURSE ENTERPRISE FUND – 1) Adoption of a resolution authorizing a \$47,031,506 transfer from the General Fund to the Golf Course Enterprise Fund; and
2) Adoption of a Carlsbad Public Financing Authority resolution authorizing a \$47,031,506 transfer from the General Fund to the Golf Course Enterprise Fund. (Staff contact: Ryan Green and Laura Rocha, Administrative Services Department)

City Manager's Recommendation: Adopt the resolutions.

12. GENERAL FUND SURPLUS POLICY: APPROVAL OF FISCAL YEAR 2020-21 BUDGET CARRYFORWARD REQUESTS AND APPROPRIATION OF FUNDS TO FISCAL YEAR 2021-22 – 1) Adoption a resolution approving fiscal year 2020-21 budget carryforward requests and appropriation of funds to fiscal year 2021-22 and approving the appropriation of General Fund reserves in fiscal year 2021-22 to pay down \$6.4 million of the city's existing pension liability to the California Public Employees Retirement System; and
2) Consider additional uses of the General Fund surplus from FY 2020-21, including:
- Adoption of a resolution authorizing the appropriation of General Fund reserves in fiscal year 2021-22 to increase the City Council's Contingency funding in the amount of \$500,000 for fiscal year 2021-22; or
 - Adoption of a resolution committing General Fund reserves in fiscal year 2021-22 to fund a Section 115 trust and directing city staff to return with options for account administration and investment management; or

- Adoption of a resolution approving the appropriation and transfer from General Fund reserves in fiscal year 2021-22 to the General Capital Construction fund, Infrastructure Replacement fund, or Technology Investment Program to fund future project; or
- Adoption of a resolution approving the appropriation and transfer from General Fund reserves in fiscal year 2021-22 to the city's Workers' Compensation fund; or
- Take no additional action and allow the surplus to increase the General Fund reserve balance. (Staff contact: Ryan Green, Administrative Services Department)

City Manager's Recommendation: Adopt the resolutions and consider additional uses.

13. STATUS OF WASTEWATER AND WATER FUNDS – Receive a report on the status of wastewater and water funds. (Staff contact: Vicki Quiram, Public Works and Ryan Green, Administrative Services Department)

City Manager's Recommendation: Receive the report.

14. APPOINTMENTS TO THE CITY COUNCIL HOMELESS ACTION SUBCOMMITTEE AND THE CARLSBAD MUNICIPAL CODE AND CITY COUNCIL POLICY UPDATE SUBCOMMITTEE – 1) Discuss and consider options for appointments to the City Council Homeless Action Subcommittee and the Carlsbad Municipal Code and City Council Policy Update Subcommittee; and
 2) Adoption of a resolution appointing one member of the City Council to the Homeless Action Subcommittee; or
 3) Adoption of a resolution terminating the Homeless Action Subcommittee; and
 4) Adoption of a resolution appointing one member to the Carlsbad Municipal Code and City Council Policy Update Subcommittee and converting the subcommittee to a standing subcommittee; or
 5) Adoption of a resolution terminating the Carlsbad Municipal Code and City Council Policy Update Subcommittee. (Staff contact: Sheila Cobian, City Manager's Department)

City Manager's Recommendation: Consider options and adopt the resolutions.

15. DISCUSSION REGARDING AB 361 AND DETERMINATION TO CONTINUE VIRTUAL PUBLIC MEETINGS OR RESUME IN-PERSON PUBLIC MEETINGS – Receive an overview of the provisions of Assembly Bill 361 and: 1) Consider adoption of a resolution making findings in accordance with AB 361 to continue virtual public meetings until October 28, 2021; or
 2) Direct staff to resume in-person public meetings beginning October 4, 2021. (Staff contact: Sheila Cobian, City Manager's Department and Cindie McMahon, City Attorney's Office)

City Manager's Recommendation: Receive the overview and consider options.

COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:

City Council Regional Assignments (Revised 7/20/21)

Matt Hall
Mayor

North County Mayors and Managers
 Buena Vista Lagoon JPC
 Chamber of Commerce Liaison (primary)
 San Diego County Water Authority
 SANDAG Board of Directors (primary)
 City Council Legislative Subcommittee
 Economic Development Subcommittee
 Homeless Action Subcommittee

Keith Blackburn
Mayor Pro Tem – District 2

Buena Vista Lagoon JPC
Encina Joint Powers JAC
Encina Wastewater Authority Board of Directors
SANDAG Board of Directors (2nd alternate)
SANDAG Shoreline Preservation Working Group (alternate)
Carlsbad Municipal Code and City Council Policy Update Subcommittee

Priya Bhat-Patel
Council Member – District 3

City/School Committee
Clean Energy Alliance JPA (primary)
Economic Development Subcommittee
League of California Cities – SD Division (alternate)
North County Transit District (primary)
North County Dispatch Joint Powers Authority (alternate)
SANDAG Board of Directors (1st alternate)
SANDAG Shoreline Preservation Working Group (primary)

Peder Norby
Council Member – District 1

Teresa Acosta
Council Member – District 4

Chamber of Commerce Liaison (alternate)
City Council Legislative Subcommittee
City/School Committee
Clean Energy Alliance JPA (alternate)
Encina Wastewater Authority Board of Directors (alternate)
League of California Cities – San Diego Division
North County Dispatch Joint Powers Authority
North County Transit District (alternate)

PUBLIC COMMENT: Continuation of the Public Comments

This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.

ANNOUNCEMENTS:

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

CITY MANAGER COMMENTS:

CITY ATTORNEY COMMENTS:

ADJOURNMENT:

City Council Meeting Procedures (*continued from page 1*)

Written Materials

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk.

Visual Materials

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or manager@carlsbadca.gov to make arrangements in

advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

Decorum

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

City Council Agenda

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

Presentations

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

Consent Items

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

Public Comment

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

Public Hearing

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

Departmental Reports

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

Other Reports

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

City Council Actions

Resolution

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

Ordinance

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is "introduced" by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for "adoption." If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

Motion

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a "second" from another City Council member to be eligible for a City Council vote.